

HOUSE BILL NO. 617

INTRODUCED BY T. FUREY

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SERVICES FOR INDIVIDUALS WHO ARE DEVELOPMENTALLY DISABLED; INCREASING THE AGE FOR A WAIVER; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-1-101 AND 20-5-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

(a) school leadership;

(b) educational opportunity;

(c) academic requirements;

(d) program area standards;

(e) content and performance standards;

(f) school facilities and records;

(g) student assessment; and

(h) general provisions.

(2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

(3) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

(4) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

(5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils physically attending or receiving educational services at an offsite instructional setting from the public

1 schools of a district.

2 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the
3 Montana constitution and 2-15-1507.

4 (7) "Board of regents" means the board of regents of higher education created by Article X, section 9,
5 subsection (2), of the Montana constitution and 2-15-1505.

6 (8) "Commissioner" means the commissioner of higher education created by Article X, section 9,
7 subsection (2), of the Montana constitution and 2-15-1506.

8 (9) "County superintendent" means the county government official who is the school officer of the county.

9 (10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with
10 a superintendent's endorsement that has been issued by the superintendent of public instruction under the
11 provisions of this title and the policies adopted by the board of public education and who has been employed by
12 a district as a district superintendent.

13 (11) (a) "Educational program" means a set of educational offerings designed to meet the program area
14 standards contained in the accreditation standards.

15 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

16 (12) "K-12 career and vocational/technical education" means organized educational activities that have
17 been approved by the office of public instruction and that:

18 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills
19 that the pupil needs to prepare for further education and for careers in the current or emerging employment
20 sectors; and

21 (b) include competency-based applied learning that contributes to the academic knowledge, higher-order
22 reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and
23 occupation-specific skills of the pupil.

24 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be
25 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

26 (b) The term does not include lunch time and periods of unstructured recess.

27 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main
28 school site, where a school district provides for the delivery of instruction to a student who is enrolled in the
29 district.

30 (15) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable

principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

(16) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but who has not yet reached ~~19~~ 20 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached ~~19~~ 20 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

(17) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

(18) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established by the board of public education.

(19) "Regents" means the board of regents of higher education.

(20) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

(21) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

(22) "State university" means Montana state university-Bozeman.

(23) "Student with limited English proficiency" means any student:

(a) (i) who was not born in the United States or whose native language is a language other than English;
(ii) who is an American Indian and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant; and

(b) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student:

(i) the ability to meet the state's proficiency assessments;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

(24) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

(25) "System" means the Montana university system.

(26) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

(27) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

(28) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

(29) "Trustees" means the governing board of a district.

(30) "University" means the university of Montana-Missoula.

(31) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

Section 2. Section 20-5-101, MCA, is amended to read:

"20-5-101. Admittance of child to school. (1) The trustees shall assign and admit a child to a school in the district when the child is:

(a) 6 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is ~~19~~ 20 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet ~~19~~ 20 years of age even though no special circumstances exist for waiver of the age provision of this section.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title."

NEW SECTION. Section 3. Appropriation. (1) There is appropriated from the general fund \$156,640 in fiscal year 2010 and \$161,320 in fiscal year 2011 to the department of public health and human services to provide services to individuals who have graduated from high school but have not turned 20 years of age on or before September 10 in the school year or years following graduation and who are qualified to receive developmental disability services from the department of public health and human services by:

(a) providing payments to a school district that admits an individual under the provisions of 20-5-101; or

(b) providing direct assistance to an individual to purchase community-based services.

(2) All or a portion of the money appropriated to the department of public health and human services may be used as a state match for federal funds.

(3) The appropriations in subsection (1) are one-time-only appropriations and may not be included in the base budget for the 2013 biennium budget.

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2009.

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